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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,825	09/04/2003	Wayne J. Falcon	34321.3	5170
27683	7590	05/31/2005	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			ALIMENTI, SUSAN C	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/654,825	FALCON, WAYNE J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Susan C. Alimenti	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 13 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 33,34,36,42,43,45-48,50-52 and 69-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 33,34,36,42,43,45-48,50-52 and 69-71 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. Upon further search and consideration of Applicant's amendment, the finality of the rejection of the last Office action is withdrawn, and new grounds for rejection are set forth below.

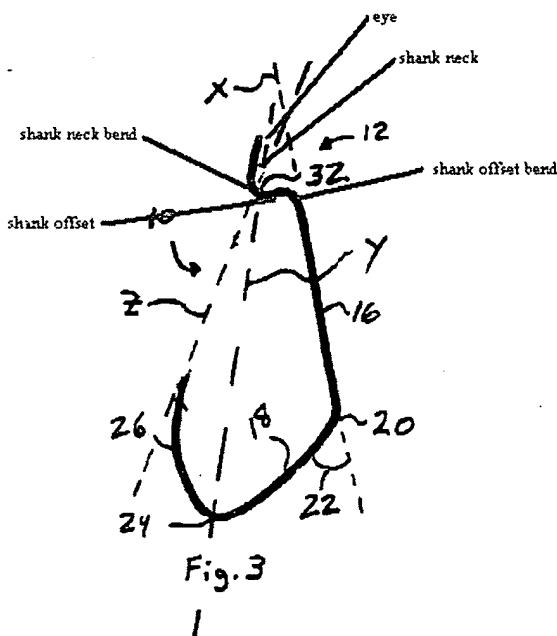
### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33, 34, 36, 42, 43, 45-48, 50-52, and 69-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoben (US 6,691,449), in view of Hill (US 2,185,666) and further in view of Grigsby (US 5,335,443) and Bennett (US 6,519,895).

Hoben discloses the claimed invention except (1) the weight is not tapered, and (2) placement of the lure on the hook is not positively shown. Hoben's fishing hook, as best viewed in Figure 3 comprises a substantially straight hook shank 16, a bend 24 in the end of said shank, and a hook tip 26 having a barb terminating said bend 24. The eye, shank offset bend, shank offset, shank neck bend, and shank neck are shown in recreated Figure 3 below:



3. Regarding item (1) above, Hoben teaches that a lead weight 34 (Figure 4, & col.3, lns.24-27) may be used with the hook, and placed close to the eye portion of the hook. Hill also teaches the use of a tapered weight that maybe placed concentric to the main hook shank in order to better control the hook when placed in the water. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place Hill's tapered weight on shank 16 of Hoben's hook in order to better control the hook when it is placed in a body of water.

4. Regarding item (2) above, while Hoben does not positively disclose how a bait lure would couple to the hook, both Grigsby and Bennett teach how hooks similar to Hoben's hook are embedded in elongated-type lures. Grisby shows the hook tip 19, bend, hook eye 17, and most of the top portion 18 of the hook are embedded in the lure. Bennett shows the hook tip portion 24, a shank offset bend, a shank neck bend, and in general substantially the top portion of the hook to be embedded in the lure. In general it known, as shown by these two references, to

Art Unit: 3644

be advantageous to attach/embed an elongated lure at both the hook tip and top portion of the hook in order to ensure a more dependable connection so that the lure will not become detached when placed in the water current of a river or the ocean. It would have been obvious to one having ordinary skill in the art at the time the invention was made to embed Hoben's hook tip, hook eye, hook shank, shank neck bend *at least partially* in a lure in order to provide stable attachment.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 571-272-6897. The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harvey Behrend can be reached on 571-272-6871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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